

CHILD DAY CARE CENTER

REGULATIONS FOR LICENSURE



**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND
FAMILIES**

1993

Child Day Care Center

Regulations for Licensure

THE LICENSING PROCESS

The primary purpose of licensing a child day care center is to safeguard the well-being of the children served. Granting a license means there is clear evidence that the building and grounds are safe; that staff are appropriately trained and responsible; and that the program shall, in practice, reflect an understanding of the healthy growth and development of children. Further, the license is meant to be an assurance to parents and the community that the children are being cared for in a safe, healthy environment where appropriate activities, time schedules, food, materials, equipment and staff are consistently available and are used for encouraging and supporting the children's physical, social, emotional, and intellectual growth.

Licensing is a method of regulation designed to implement the state's obligation to the families whose children attend day care centers. A license is granted after a detailed evaluation of the facility and program has shown that conformity to the established regulations prevails. The regulations used for this evaluation are described in SECTION II of this publication. An application for licensure may be obtained from the Day Care Licensing Office of the Rhode Island Department of Children, Youth and Families.

A: PROCEDURE FOR OBTAINING A LICENSE

1. **CONSULTATION** - Any person, firm, corporation, association or agency interested in opening a day care center program for school age children shall contact the Day Care Licensing Supervisor for assignment to a licensing worker. An initial consultation will be held upon request to review the regulations, discuss the need for such a program in the chosen community, review the proposed program, and examine the financial resources available. A preliminary visit to the proposed facility will be made by the licensing worker to determine the feasibility of achieving compliance with regulations.
2. **APPLICATION** - An application for licensure shall be filed on the prescribed forms provided by the Day Care Licensing Office. A separate application shall be filed for each physical facility to be operated. A complete application, including all supporting documentation shall be submitted.

The application shall include, but not be limited to, the following:

- ♦ the full name, address, mailing address, and phone number of the prospective center;
- ♦ the full name and address of the applicant;
- ♦ information on incorporation, including, if incorporating, the names, addresses, and titles of the board of directors of the corporation;
- ♦ information on the building in which the center program will be housed, including sketches of the indoor area showing the activity rooms which will be used for child care, the kitchen or food preparation area, the bathrooms for children and staff, and the office space;
- ♦ information on the outdoor play area, including a sketch of this area showing accessibility to the building and the rooms used for child care;
- ♦ information on the number and ages of children to be served, age groupings, and staff/child ratio;
- ♦ information on staffing, including the name and qualifications of the director, site coordinator, and other identified staff;

- ◆ medical information on staff;
 - ◆ employment history and criminal record information on staff, fingerprinting, FBI screening and CANTS screening;
 - ◆ information on the program, including the daily schedule of activities, the philosophy of the program, and the developmental goals and objectives on which the program will be based;
 - ◆ a listing of the equipment and materials, both indoor and outdoor, available for the implementation of the program;
 - ◆ information on the daily feeding program;
 - ◆ financial information, including a statement of the financial assets, liabilities and net worth of the applicant, the means of financing, and an anticipated yearly budget for the program;
 - ◆ a statement signed by the applicant, acknowledging that they have read, and agree to comply with, the REGULATIONS FOR LICENSURE.
3. **INSPECTION APPROVALS** - Prior to the issuance of a license, documentation of the facility being in compliance with local zoning ordinances and with the applicable sections of the State Fire, Building, Health and Sanitation Codes shall be submitted.
 4. **LICENSING VISIT** - Prior to the issuance of a license, a visit will be made to the facility by the licensing worker in order to determine compliance with the regulations and to develop the maximum capacity for the program.
 5. **ACTION ON APPLICATION FOR LICENSURE** - Upon receipt of a completed application, inspection approvals, and a report from the licensing worker addressing compliance with the regulations, one of the following actions shall be taken:
 - (1) Issuance of a Provisional License;
 - (2) Denial of Licensure.

B: PROVISIONAL LICENSE

A provisional license shall be issued to newly established programs upon successful completion of the application process. This license is granted for a limited period of time, not to exceed six (6) months. The purpose of the provisional license is to allow the licensee time to develop an operational program which meets the needs of the children served and to demonstrate that the program is in compliance with the regulations.

Prior to the expiration of a provisional license, the operation of the day care center shall be subjected to a complete evaluation to determine compliance with the regulations.

C: FULL LICENSE

A full license shall be issued to a program that is determined to be in compliance with the regulations. The license is valid for a period not to exceed one year, expiring on July 31.

D: PROBATIONARY LICENSE

A probationary license shall be issued in place of a full license at any time when a licensee is temporarily unable to comply with a regulation or regulations, provided that the area or areas of noncompliance do not present an immediate threat to the health and well-being of the children.

Before a probationary license can be issued, the licensee must submit written documentation that the area(s) of non-compliance do not present a threat to the health and well-being of the children and a plan

to correct the area(s) of non-compliance. This plan must be approved by the Day Care Licensing Supervisor.

E: RENEWAL OF LICENSE

1. **RENEWAL APPLICATION** - A licensee shall file a renewal application on the prescribed forms provided by the Day Care Licensing Office at least sixty (60) days prior to the expiration of the license.
2. **INSPECTION APPROVALS** - Current inspection approvals shall be submitted prior to renewal to verify that the facility remains in compliance with the appropriate sections of the State Fire, Building, Health and Sanitation Codes.
3. **ACTION ON APPLICATION FOR RENEWAL OF LICENSE** Upon receipt of a renewal application and appropriate inspection approvals, one of the following actions will be taken:
 - (1) Issuance of a Full License;
 - (2) Issuance of a Probationary License;
 - (3) Denial of Licensure.

F. MONITORING VISITS

Licensing workers from the Day Care Licensing Office will make periodic unannounced monitoring visits to the center during the hours of operation in order to determine compliance with the regulations.

G. REVOCATION OR DENIAL OF A LICENSE

A license shall be denied or revoked for failure to comply with the regulations contained herein, or when there is evidence that the operation of the day care center will pose a threat to the health and/or safety of children enrolled.

The Administrator of Licensing will notify an applicant or licensee in writing of the Department's decision to deny or revoke a license. The written notification will contain the reason for the denial or revocation. Notice of denial or revocation will be sent to the applicant or licensee at least ten (10) days prior to the effective date of the action, unless there is sufficient evidence to warrant immediate closure. When such circumstances exist, the Administrator of Licensing shall order the immediate removal of all children and the closing of the facility.

The applicant or licensee has the right to a hearing on the denial or revocation of a license. A written request for hearing shall be submitted to the Administrator of Licensing prior to the effective date of the action or within ten (10) days of receipt of the written notice of denial. The hearing will be scheduled in accordance with the Department's policy on Complaints and Hearings.

H. VARIANCE

The Administrator of Licensing may allow a variance to a regulation providing that the variance in no way jeopardizes the health, safety or well-being of the children.

The licensee shall submit a written request for variance to the Administrator of Licensing. This request shall contain documentation as to how the licensee plans to meet the intent of the regulation to be varied. The Administrator of Licensing may request additional supporting documentation as deemed necessary.

I. PROVISIONS OF THE LICENSE

1. The license will state the maximum number of children and the age groups to be served in the center.
2. The license will state the dates of validity.
3. The license shall be posted in a conspicuous place in the center.
4. The license is not transferable - it is granted only to the designated licensee and is limited to the stated location.
5. The licensee shall notify the Day Care Licensing Office in writing of major changes which affect the license such as: intent to change the name of the center or the location; intent to change the ownership of the center; change of director or site coordinator; change in the physical facility; change in the numbers or ages of children served; major changes in the program.
6. The license entitles the Director of the Department of Children, Youth and Families or his/her designee and the Child Advocate or his/her designee to be given the right of entrance, the privilege to inspect, and access to all records in order to ascertain compliance with regulations and to investigate complaints.
7. When the operation of a day care center is to be discontinued, the licensee shall provide the Day Care Licensing Office with written notification at least thirty (30) days prior to the closure.

I. LEGAL AUTHORITY

CHAPTER 72.1 OF THE GENERAL LAWS OF RHODE ISLAND - LICENSING AND MONITORING OF CHILD CARE PROVIDERS AND CHILD-PLACING AGENCIES

42-72.1-1. Statement of purpose.

Definition of terms. Powers and scope of activities. License required. General licensing provisions. Violations, suspensions and revocations of license. Penalties for violations. Open door policy statement of purpose. - The director of the department for children and their families, pursuant to 42-72-5(8), shall establish within the department a unit to license and monitor child care providers and child-placing agencies, to protect the health, safety and well being of children temporarily separated from or being cared for away from their natural families.

Services for children requiring licensure under this chapter shall include all child care providers and child placing agencies which offer services within the state, except as defined in 42-72.1-5 of this chapter.

42-72.1-2. Definitions. - As used in this chapter:

- (1) "Administrator of licensing" means the director of licensing unit (or his/her designee) which carries out the provisions of this chapter, hereafter referred to as administrator.
- (2) "Applicant" means a child-placing agency or child care provider that applies for a license to operate.
- (3) "Child" means any person less than eighteen (18) years of age, provided that a child over eighteen (18) years of age who is nevertheless subject to continuing jurisdiction of the family court, pursuant to chapter 1 of title 14 or defined as emotionally disturbed according to chapter 7 of title 40.1, herein shall be considered a child for purposes of this chapter.
- (4) "Child care provider" means a person or agency which offers residential or nonresidential care and/or treatment for a child outside of his/her natural home.
- (5) "Child-placing agency" shall mean any private or public agency which receives children for placement into independent living arrangements, supervised apartment living, residential group care facilities, family foster homes or adoptive homes.

(6) "Child day care" means daily care and/or supervision offered commercially to the public for any part of a twenty-four (24) hour day to children away from their homes.

(7) "Child day care center" means any person, firm, corporation, association or agency who, on a regular or irregular basis, receives any child under the age of sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart from his parent or guardian for any part of a twenty-four (24) hour day irrespective of compensation or reward. It shall include child care programs that are offered to employees at the worksite. It does not include nursery schools or other programs of educational services subject to approval by the commissioner of education.

(8) "Family day care home" means any home other than the child's home in which child day care in lieu of parental care and/or supervision is offered at the same time to four (4) or more children who are not relatives of the care giver.

(9) "Department" means the department for children and their families (DCF).

(10) "Director" means the director of the department for children and their families, or his/her designee.

(11) "Licensee" means any person, firm, corporations association or agency which holds a valid license under this chapter.

(12) "Regulation" means any requirement for licensure promulgated pursuant to this chapter having the force of law.

(13) "Related" means any of the following relationships, by marriage, blood or adoption, even following the death or divorce of a natural parent: parent, grandparent, brother, sister, aunt, uncle, and first cousin. In a prosecution under this chapter or of any law relating thereto, a defendant who relies for a defense upon the relationship of any child to himself, said defendant shall have the burden of proof as to such relationship.

(14) "Group family day care home" means a residence occupied by a state certified individual and assisted by a minimum of one (1) state approved assistant. The provider must be at least twenty-one years old and must provide care for not less than nine (9) and not more than twelve (12) children for any part of a twenty-four (24) hour day.

42-72.1-3. Powers and scope of activities.

(1) The department shall issue, deny and revoke licenses for, and monitor the operation of, facilities and programs by child placing agencies and child care providers, as defined in [42-72.1-2].

(2) The department shall adopt, amend, and rescind regulations in accordance with this chapter and implement its provisions. Such regulations shall be promulgated and become effective in accordance with the provisions of the administrative procedures act.

(3) The department through its licensing unit shall administer and manage the regulations pertaining to the licensing and monitoring of such agencies, and shall exercise all statutory and administrative powers necessary to carry out its functions.

(4) The administrator shall investigate complaints of noncompliance, and shall take such licensing action as required.

(5) Regulations formulated pursuant to the foregoing authority shall include, but need not be limited to, the following:

(a) financial, administrative and organizational ability, and stability of the applicant;

- (b) compliance with specific fire and safety codes and health regulations;
- (c) character, health suitability, qualifications of child care providers;
- (d) staff/child ratios and workload assignments of staff providing care or supervision to children;
- (e) type and content of records or documents that must be maintained to collect and retain information for planning and caring for children;
- (f) procedures and practices regarding basic child care and placing services to ensure protection to the child regarding the manner and appropriateness of placement;
- (g) service to families of children in care;
- (h) program activities, including components related to physical growth, social, emotional, educational and recreational activities, social services and habilitative or rehabilitative treatment;
- (i) investigation of previous employment, criminal record check and department records check;
- (6) The administrator may:
 - (a) prescribe such forms for reports, statements, notices and other documents as are deemed necessary;
 - (b) prepare and publish manuals and guides explaining this chapter and the regulations to facilitate compliance with and enforcement of the regulations;
 - (c) prepare reports and studies to advance the purpose of this chapter;
 - (d) provide consultation and technical assistance, as requested, to assist licensees in maintaining compliance;
 - (e) refer to the advisory council for children and families for advice and consultation on licensing matter.

42-72.1-4. License required.

- (1) No person shall provide continuing full-time care for a child apart from his parents, or receive or place children in child care services, including day care arrangements, without a license issued pursuant to this chapter. This requirement does not apply to a person related by blood, marriage, guardianship or adoption to the child, unless such arrangement is for purposes of day care.
- (2) The licensing requirement does not apply to shelter operations for parents with children, boarding schools, recreation camps, nursing homes, hospitals, maternity residences and centers for developmentally disabled children.
- (3) No person, no firm, corporation, association, or agency, other than a parent shall place, offer to place, or assist in the placement of a child in Rhode Island, for the purpose of adoption, unless such person, firm, corporation or agency shall have been licensed for such purposes by the department or is a governmental child-placing agency, and such license shall not have been rescinded at the time of placement of a child for the purpose of adoption. The above does not apply when a person, firm, corporation, association or agency places, offers to place, or assists in the placement of a child in Rhode Island, for the purpose of adoption through a child-placement agency duly licensed for child-placement in the state of Rhode Island or through the department for children and their families, nor when such child is placed with a father, sister, brother, aunt, uncle, grandparent or stepparent of the child.

(4) No parent shall assign or otherwise transfer to another not related to him/her by blood or marriage, his/her rights or duties with respect to the permanent care and custody of his/her child under eighteen (18) years of age unless duly authorized so to do by an order or decree of court.

(5) No person shall bring or send into the state any child for the purpose of placing him/her out, or procuring his/her adoptions or placing him/her in a foster home without first obtaining the written consent of the director and such person shall conform to the rules of the director and comply with the provisions of the Interstate Compact on the Placement of Children.

(6) No person, firm, corporation, association or agency shall operate a family day care home without a registration certificate issued by the department.

(7) No state, county, city or political subdivision shall operate a child placing or child care agency, program or facility without a license issued pursuant to this chapter.

(8) No person shall be exempt from a required license by reason of public or private, sectarian, non-sectarian, court operated child placement of child-care program, for profit or nonprofit status, or by any other reason of funding, sponsorship or affiliation.

42-72.1-5. General licensing provisions. - The following general licensing provisions shall apply:

(1) A license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application and remains the property of the department. A license shall be publicly displayed. A license shall be valid for one (1) year from the date of issue and upon continuing compliance with the regulations, except that a certificate issued to a family day care home shall be valid for two (2) years from date of issue.

(2) A licensee shall comply with applicable state fire and health safety standards.

(3) The department may grant a provisional license to an applicant who is not able to demonstrate compliance with all of the regulations because the program or residence is not in full operation; however, said applicant must meet all regulations that can be met in the opinion of the administrator before the program is fully operational. The provisional license shall be granted for a limited period not to exceed six (6) months and shall be subject to review every three (3) months.

(4) The department may grant a probationary license to a licensee who is temporarily unable to comply with a rule or rules when the noncompliance does not present an immediate threat to the health and well-being of the children, and when the licensee has obtained a plan approved by the administrator to correct the areas of noncompliance within the probationary period. A probationary license shall be issued for up to twelve (12) months; it may be extended for an additional six (6) months at the discretion of the administrator. A probationary license that states the conditions of probation may be issued by the administrator at any time for due cause. Any prior existing license is invalidated when a probationary license is issued. When the probationary license expires the administrator may reinstate the original license to the end of its term, issue a new license or revoke the license.

(5) The administrator will establish criteria and procedure for granting variances as part of the regulations.

(6) The above exceptions (probationary and provisional licensing and variances) do not apply to and shall not be deemed to constitute any variance from state fire and health safety standards.

42-72.1-6. Violations, suspensions and revocations of license.

- (1) When a licensee violates the terms of the license, the provisions of this chapter, or any regulation thereunder, the department may pursue the administrative remedies herein provided, in addition to other civil or criminal remedies according to the general laws.
- (2) After notice and hearing, as provided by the administrative procedures act, the administrator may revoke the license, or suspend the license for a period not exceeding six (6) months.
- (3) During a suspension the agency, facility or program shall cease operation.
- (4) To end a suspension, the licensee shall, within thirty (30) days of the notice of suspension submit a plan of corrective action to the administrator. Such plan shall outline the steps and timetables for immediate correction of the areas of noncompliance and is subject to approval of the administrator.
- (5) At the end of the suspension, the administrator may reinstate the license for the term of the original license, revoke the license, issue a new license, or deny a reapplication.
- (6) Upon revocation, the licensed agency, program or facility shall cease operation. The licensee whose license has been revoked may not apply for a similar license within a three (3) year period from the date of revocation.

42-72.1-7. Penalties for violations.

- (1) Any person who violates any of the provisions of this chapter, or any regulations issued pursuant to this chapter, or who shall intentionally make any false statement or reports to the director with reference to the matters contained herein, shall, upon conviction for the first offense, be imprisoned for a term not exceeding six (6) months or be fined not exceeding five hundred dollars (\$500), or both and for a second or subsequent offense, shall be imprisoned for a term not exceeding one (1) year or be fined not exceeding one thousand dollars (\$1000) or both such fine and imprisonment.
- (2) Anyone who maintains or conducts such a program, agency or facility without first having obtained a license as herein provided, or who maintains or conducts such a program, agency or facility after a license has been revoked or suspended or who shall refuse to permit a reasonable inspection and examination of such program, agency or facility, as herein provided, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500) for each week that such program, agency or facility shall have been maintained without a license or for each refusal to permit inspection and examination by the director.
- (3) Any individual firm, corporation or other entity who maintains or conducts a family day care home without first having obtained a registration certificate for the home as provided herein, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each week that such home shall have been maintained without a valid registration certificate.
- (4) The department shall refer any such violations to the attorney general's office for prosecution.

42-72.1-8. Open door policy.

There shall be an open door policy permitting any custodial parent or legal guardian to have access to a day care facility for any program when their child is in attendance.

CHAPTER 23-28.15 OF THE GENERAL LAWS OF RHODE ISLAND - CHILD DAY CARE CENTERS

Section. 23-28.15-21. Release of children to proper persons.

Every operator or employee of a child day care center, prior to releasing physical custody of any child to any person, shall first insure that the person to whom physical custody is released is a proper person for such custody.

A proper person for such custody shall be a person whose name has been furnished and updated annually to the child day care center by a parent or legal guardian of such child, and whose identity can be verified by a proper identification card bearing his or her photograph.

II. REGULATIONS FOR LICENSURE

ONE: ENROLLMENT AND STAFFING

GOAL: *The program admits children who are age-appropriate. It is sufficiently staffed to provide individual attention to the children enrolled and to promote their physical, social, emotional, and cognitive development.*

1. **AGE FOR ADMISSION:** The minimum age for admission shall be six (6) weeks for centers operating programs for infants. An infant is defined as being between six (6) weeks and eighteen (18) months of age. No center shall admit children under the age of six (6) weeks in an infant program.

The minimum age for admission shall be eighteen (18) months for centers operating programs for toddlers. A toddler is defined as being between eighteen months and three years of age. No center shall admit children under eighteen (18) months in a toddler program.

The minimum age for admission shall be three (3) years for centers operating preschool programs. No center shall admit children under three (3) years in a preschool program.

2. **AGE INTEGRATION:** Centers operating any combination of day care programs where age integration takes place, shall meet the more stringent regulations for licensure.

Centers operating both preschool and infant and/or toddler components, where there is no age integration of children as delineated above, shall not place an exceptional child above or below stipulated age requirements unless written exception is granted by the licensing agency. A developmental assessment of the child may be required for such placement.

Centers operating preschool programs and school age programs shall comply as follows:

- ♦ The preschool regulations shall apply where there is age integration of both groups of children.
- ♦ The school age regulations shall apply when the program is operating either in a separate facility or in a separate location in the same building where no age integration between the two programs takes place.

1. **STAFF/CHILD RATIO AND MAXIMUM GROUP SIZE:** Centers shall maintain the following staff to child ratios and maximum group requirements:

Age	Staff/Child Ratio	Maximum Group Size
6 weeks to 18 months	1 to 4	8
18 months to 3 years	1 to 6	12
3 years	1 to 9	18
4 years	1 to 10	20
5 years	1 to 12	24

Exception may be made to the above requirements for periods not to exceed one hour duration during arrival and/or departure nap time, or special activities such as movies or musical programs'

When staff members are functioning in administrative supervisory or support services roles, they shall not be Counted in the staff/ child ratio.

Programs serving mixed age groupings shall meet the staff/child ratio and group size requirements for the younger age if that younger age group comprises more than 20% of the group.

1. **SUPERVISION:** Children shall be under the direct supervision of child care staff at all times. All aspects of the program, including toileting, resting or sleeping, eating, outdoor play, etc. shall be supervised by designated staff.
5. **FULL-TIME STAFF:** Full-time staff shall be defined as working in the program no less than 30 hours per week for centers which operate full-day programs.

6. **DIRECTOR**: Each center shall have a director who shall be responsible for its overall operation in compliance with these regulations.

The director may be a part-time position, no less than 15 hours per week in one center.

In the absence of the director, another qualified staff member shall be designated to assume administrative responsibilities.

In centers with a total maximum capacity of more than 40 children:

- ◆ The director shall not be counted in the staff/child
- ◆ A director who also serves as head teacher shall have administrative assistance.

In centers with a total maximum capacity of 40 children or fewer:

The director may also function in an additional staff capacity after the duties and responsibilities of the director's role have been discharged provided the qualifications for the staff position are met.

7. **HEAD TEACHER**: Each center shall have at least one head teacher who shall be responsible for the development and implementation of the educational/developmental curriculum and program, the organization of children's groups and staff performance.

In centers with a total maximum capacity of more than 40 children:

- The head teacher shall be a full-time staff person, working in the program no less than 30 hours per week for centers which operate full-day programs;
- No more than 50% of the head teacher's time shall be spent in direct teaching. The head teacher shall only be counted in the staff/ child ratio during the time spent in direct teaching. A head teacher who also serves as director shall not be counted at any time in the staff/child ratio.

In centers with a total maximum capacity of 40 children or fewer:

- ◆ If the director is full-time and meets the specified qualifications, the head teacher may be part-time, working on-site no less than 15 hours per week. A minimum of 10 of the 15 hours shall be during the time when the educational/developmental curriculum is being implemented.
- ◆ A head teacher who also serves in the capacity of director shall be a full-time staff member.

8. **STAFF PERSON IN CHARGE**: In the absence of the director and head teacher, there shall be a staff person designated to be in charge. This person shall be knowledgeable in the overall functioning of the center and shall maintain responsibility for staff supervision during the times that they are in charge.

9. **GROUP STAFFING**: Each center shall have one staff member at the level of teacher assistant or beyond for each group of children as defined in #3 above. These staff shall work under the supervision of the head teacher.

10. **NURSE**: Centers serving infants under the age of 18 months shall have a nurse on the premises a minimum of three hours per day at a time when most of the children are received for care. The nurse shall:

- ◆ Coordinate the depth and scope of health services provided;
- ◆ Participate in the enrollment decision-making process in collaboration with other appropriate staff members;
- ◆ Provide on-site supervision and monitoring of the health status of all infants enrolled in the center;
- ◆ Maintain responsibility for the health records of the children enrolled in the center;
- ◆ Serve as a health consultant to staff and parents and be the primary liaison to health consultants and services outside the center.

The nurse may also function in an additional staff capacity after the duties and responsibilities of the nurse's role have been discharged.

11. **CONSULTATIVE MEDICAL SERVICES**: Centers serving children over 18 months of age shall have readily available the consultant services of a licensed physician or registered nurse. The center shall have access to such professional services at all times when children are in care. There shall be a letter of understanding to document the availability of these services.
12. **AUXILIARY STAFF**: Provision shall be made to carry out the necessary clerical, housekeeping, kitchen and maintenance functions needed to insure the smooth running of the center. Child-caring staff members may perform these functions but shall not be counted in the staff/child ratio while doing so.
13. **FOOD SERVICE WORKER**: Centers whose enrollment exceeds 20 children shall employ at least one part-time or full-time food service worker if the center prepares and serves meals.
14. **VOLUNTEERS**: Volunteers shall not be counted as staff when scheduling to meet staff/child ratios. Volunteers shall be allowed to be counted in the staff/child ratio when scheduled staff are absent due to illness or emergency provided that the volunteer has fulfilled all staff requirements.

All volunteers shall be carefully screened and given a formal orientation to center policies and procedures.

15. **STAFF COVERAGE**: There shall be at least two staff members on site at all times.
16. **SUBSTITUTES**: There shall be a list of substitutes who can be called upon in the event of the absence of a staff member in order to maintain the required staff-child ratio. Substitutes shall meet staff requirements. Long term substitutes shall meet the staff qualifications for the assigned position.
17. **CHILDREN WITH SPECIAL NEEDS**: Group size, staff ratios, and provision of other services shall meet the specifications of the Individualized Family Service Plan (IFSP) or the Individualized Educational Plan (IEP) of children with special needs and shall be in accordance with the regulations of PL 99-457 or PL 94-142 as appropriate.
18. **DISCIPLINE**:

Staff shall serve as a positive role model for the children in care.

Staff shall use positive methods in guiding children back on task, shall encourage appropriate behavior, and set clear limits and rules that children can understand.

Staff shall match their expectations with the children's developing abilities and capabilities.

Staff shall praise the children's accomplishments as well as their attempts at tasks.

Staff shall use positive, firm limit setting in situations where a child's safety is at stake.

Staff shall assist children by redirecting them from inappropriate actions to activities that are more favorable.

19. **CORPORAL PUNISHMENT**:

Staff shall not hit the children or engage in any form of corporal punishment.

Children shall not be subjected to cruel or severe punishment, humiliation or verbal abuse.

Children shall not be deprived of meals or snacks as a form of discipline.

Children shall not be punished for soiling, wetting, or not using the toilet.

TWO: STAFF QUALIFICATIONS AND DEVELOPMENT

GOAL: *The program is staffed by adults who understand child development and who recognize and provide for the children's needs.*

1. **DIRECTOR QUALIFICATIONS:** The director in a center where there is a full-time head teacher shall have experience in administration or professional preparation in a field appropriate for those who work with young children.

The director in a center where there is a part-time head teacher shall meet one of the following:

- ◆ Hold a Bachelor's Degree and have completed at least four courses at the post-secondary level in Early Childhood Education and/or Child Development;
or
- ◆ Hold an Associate's Degree in Early Childhood Education or Child Development and have a minimum of 3 years experience working in a licensed/approved early childhood program;
or
- ◆ Hold a Child Development Associate Credential (CDA) for the age level to be served in the center; have successfully completed at least four courses in Early Childhood Education and/or Child Development at the post-secondary level; and have a minimum of three years experience working in a licensed/approved early childhood program;
or
- ◆ Have successfully completed at least six courses in Early Childhood Education and/or Child Development at the post-secondary level and have a minimum of five years experience working in a licensed/ approved early childhood program.

3. **HEAD TEACHER QUALIFICATIONS:** The head teacher in a center shall meet one of the following:

- ◆ Hold a current Rhode Island certificate in Early Childhood Education;
or
- ◆ Hold a Bachelor's or Master's degree in Early Childhood Education or Child Development from an accredited or approved institution of higher education; and have a minimum of three months supervised teaching experience in a licensed/approved early childhood program for the appropriate age level (student teaching may fulfill this requirement);
or
- ◆ Hold a Bachelor's degree from an accredited or approved institution of higher education and have met the course work and experiential requirements defined in the Rhode Island Early Childhood certification standards.

4. **TEACHER QUALIFICATIONS:** Same as above for head teacher.

5. **ASSOCIATE TEACHER QUALIFICATIONS:** An associate teacher shall meet one of the following:

- ◆ Hold an Associate's Degree in Early Childhood Education or Child Development; and have a minimum of three months supervised teaching experience in a licensed/approved early childhood program for the appropriate age level (student teaching may fulfill this requirement);
or
- ◆ Hold a high school diploma or high school equivalence and a Child Development Associate (CDA) credential; and have completed 15 credits in Early Childhood Education and/or Child Development at the post-secondary level; and have a minimum of three months supervised teaching experience in a licensed/approved early childhood program;
or
- ◆ Hold a Bachelor's or Associate's Degree in a related field such as child study, child psychology, early childhood special education, elementary education, or nursing; and have completed two courses in child development or early childhood education (one of which must be in child development); and have a minimum of one years' supervised teaching experience in a licensed/approved early childhood program.

6. **TEACHER ASSISTANT QUALIFICATIONS:** An assistant teacher shall meet one of the following:

- ◆ Hold a Bachelor's or Associate's degree in a related field such as child study, child psychology, early childhood special education, elementary education, or nursing;
 - or
 - ◆ Hold a Child Development Associate credential (CDA);
 - or
 - ◆ Hold a high school diploma with a vocational concentration in child care that includes two (2) years of supervised experience in an licensed/approved early childhood program;
 - or
 - ◆ Hold a high school diploma or its equivalent; and have three (3) years of supervised experience in a licensed/approved early childhood program or certified family day care home; and have a history of regular participation in an ongoing early childhood staff development program.
6. **TEACHER AIDE QUALIFICATIONS:** A teacher aide shall be at least 18 years old; and have or be working toward a high school diploma or equivalent; and participate in an ongoing early childhood staff development program.
 7. **NURSE QUALIFICATIONS:** The nurse shall possess appropriate education and training to work with infants and their families and shall be currently licensed by the state as a registered nurse or a licensed practical nurse.
 8. **AUXILIARY STAFF QUALIFICATIONS:** The qualifications of other staff employed to carry out clerical, housekeeping, kitchen or maintenance functions shall be consistent with the skills needed to perform the respective job.
 9. **CONSULTANTS:** When the center employs or uses the services of other professional staff such as physicians, psychiatrists, social caseworkers, psychologists, or nurses, these persons shall meet the minimum professional standards in their particular field. Professional persons whose practice is regulated by state law shall meet the requirements mandated by the State of Rhode Island in their respective fields.
 10. **ORIENTATION:** The center shall provide a formal orientation for all new staff and volunteers.

The orientation shall include a review of the regulations for licensure and the state law governing child abuse and neglect, as well as center policies and procedures and other information specific to the operation of the program.

All new staff and volunteers shall be oriented during their first week in the program.

A description of the information covered in the orientation shall be kept on file in the center for review by the Department representative during monitoring visits.
 11. **PROFESSIONAL DEVELOPMENT:** All child-caring staff, including the director and the head teacher, shall complete a minimum of two hours per month or twenty hours per year of training.

The head teacher in conjunction with the director shall be responsible for developing and overseeing an individualized training plan for each staff person.

Training shall be in areas relevant to the care of young children and shall be directed towards transferable skills rather than center specific knowledge.

Training may consist of workshops/seminars conducted by recognized professionals in the field; professional conferences; courses at an approved or accredited institution of higher education; or other similar professional activities such as classroom observation, reading relevant books and articles, etc.
 12. **EMPLOYMENT BACKGROUND. CRIMINAL RECORD. AND CHILD ABUSE AND NEGLECT TRACKING SYSTEM (CANTS) CHECKS:** The center director shall be responsible for insuring that employment background checks, criminal record checks, and CANTS checks are conducted on all new staff prior to the assignment of child care duties, including volunteers and consultants, whether full or part-time, who:

- ◆ Have supervisory or disciplinary power over children; or
- ◆ Have routine contact with children without the presence of other staff.

Staff whose duties do not conform to the above stipulations shall not be required to have the criminal record check or CANTS check. In such cases the center shall provide the Department with written confirmation that the employee's duties do not involve supervisory or disciplinary power over children or routine contact with children without the presence of other staff. The written confirmation shall be filed with the Department prior to employment and a copy shall be placed in the employee's personnel file.

EMPLOYMENT BACKGROUND CHECK: The employment background check shall consist of the following:

- ◆ Completion of an Employment History Affidavit by the applicant, identifying places of employment, addresses, dates, and supervisors for the past thirty-six months. Employment shall include part-time, full-time, and/or volunteer.
- ◆ Verification by the center of employment information for the past twelve months. Verification may be by telephone or in writing. Verification shall include the name, address, and title of the person verifying and an assessment of the reliability, performance, and character of the applicant.

The affidavit and verification shall be completed and placed in the personnel file prior to the applicant beginning the job assignment.

CRIMINAL RECORD CHECK: The criminal record check shall consist of the following:

- ◆ Completion of a Criminal Record Affidavit by the applicant
- ◆ The taking of the applicant's fingerprints by the bureau of criminal identification of the state or local police.
- ◆ Comparison of the applicant's fingerprints with those on file through the national criminal identification computer operated by the Federal Bureau of Investigation (FBI).
- ◆ Notification by the bureau of criminal identification that the applicant does or does not have disqualifying information (see Appendix).

If the applicant has undergone a criminal records check in accordance with these regulations in the eighteen (18) months prior to the date of application, a letter from the police verifying the date and results of that check shall be acceptable.

The affidavit shall be completed and fingerprints taken prior to the applicant beginning the job assignment. The affidavit and documentation of fingerprinting shall be placed in the employee's personnel file.

Within ninety (90) calendar days of hiring, notice shall be placed in the personnel file identifying the results of the criminal records check. If notice is not received within ninety (90) days, the applicant shall be relieved of child caring responsibilities.

DISQUALIFYING INFORMATION: If notification is received that disqualifying information has been found, the center administrator shall immediately notify the employee in writing that his/her employment will be terminated in ten (10) working days. A copy of this letter shall go to the Department of Children, Youth and Families Administrative Hearing Officer. This letter shall inform the employee of the right to appeal.

CANTS CHECK: The CANTS check shall consist of the following: Completion of a request for DCYF Clearance by the applicant.

- ◆ Forwarding of the DCYF Clearance form to the Department for screening against the CANTS computer file.

RESULTS OF CANTS CHECK: The Department shall notify the center and the applicant in writing of the results of the CANTS check.

The applicant shall be cleared when:

- ◆ There are no CANTS findings;
- ◆ The applicant is identified as a non-involved adult in a CANTS investigation;
- ◆ The CANTS record identifies the applicant as the perpetrator in an investigation but the finding is classified as an Early Warning or Unfounded.

The applicant shall not be disqualified from employment when he/ she is identified as the perpetrator in an indicated CANTS investigation not listed on the CANTS Check Addendum Disqualifying Information (see Appendix).

The applicant shall be disqualified from employment when he/she is identified as the perpetrator in an indicated CANTS investigation listed on the CANTS Check Addendum - Disqualifying Information.

13. **CANTS INVESTIGATION** - INDICATED PERPETRATOR: The center administrator shall immediately relieve an employee from child caring duties when notice is received from the Department that the employee is identified as a perpetrator in an indicated CANTS investigation listed on the CANTS Check Addendum - Disqualifying Information.
14. **APPEAL OF DISQUALIFICATION** - CRIMINAL RECORD CHECKS OR CANTS CHECK: Within five (5) working days of receipt of written notification of disqualifying information, the applicant or employee shall put the Department and the center administrator on notice as to the intent to appeal by filing a Request For Hearing. The applicant shall attach a copy of his/her report of disqualifying information which identifies the specific disqualifying information. A copy of this material shall also be sent to the center director.

Within ten (10) working days of submitting the Request For Hearing, the applicant shall provide written references attesting to excellence in child care sufficient to warrant disregard of the otherwise disqualifying information. Such references shall be from individuals who are qualified by virtue of education and/or experience to testify as to the abilities of the applicant. Such individuals include:

- ◆ Licensed child care providers.
- ◆ Current or previous child care professionals.
- ◆ Other professionals with credentials which would enable them to effectively judge the applicant's qualifications in providing child care.

The Administrative Hearing Officer shall review the materials submitted and rule on the appeal within seventy-two (72) hours of receipt of all materials.

- ◆ If the applicant has not demonstrated a record of excellence in child care sufficient to warrant disregard of the otherwise disqualifying information, the Administrative Hearing Officer shall uphold the denial and notify the applicant of the reason for the decision. The center shall only be notified that the applicant has not demonstrated a record of excellence sufficient to warrant disregard of the disqualifying information.

If the applicant has demonstrated a record of excellence in child care sufficient to warrant disregard of the otherwise disqualifying information, the Administrative Hearing Officer shall overturn the disqualification and shall notify the applicant and the center in writing.

THREE: HEALTH, SAFETY AND NUTRITION

GOAL: *The operation of the center reflects a concern for the health, safety, and nutrition of the children, protects them from abuse and neglect, and serves to educate staff, children, and families in matters concerning health, safety, and nutrition practices.*

1. **TUBERCULIN TEST:** Prior to employment, each full or part-time center employee and those persons (such as food handlers, bus drivers, volunteers, etc.) whose duties bring them into direct contact with children shall file with the administrator of the day care facility a report from a licensed physician that such person is free of tuberculosis based on a physical examination and a negative Mantoux (PPD) tuberculin skin test by current standards performed not more than six (6) months before the report is filed.

If the Mantoux test is positive or a previous one is known to have been positive, the physician's certification that the tuberculosis is not communicable shall be based on documentation of adequate chemotherapy for tuberculosis or on a chest x-ray taken not more than six (6) months prior to the certification.

Employees who have a negative Mantoux test at the time of employment and are free of symptoms suggestive of tuberculosis need not have further testing.

2. **RUBELLA:** At the time of initial employment, all female employees of child bearing age (up to 35 years of age) shall be required to have a rubella (german measles) susceptibility blood test; or show proof of immunity by previous testing; or produce a record of having received rubella vaccine.

3. **IMMUNIZATION RECORDS:** Each child upon first entering a day care center shall furnish the administrative head of the center with one of the following:

Evidence that such child has been immunized, or is being immunized according to schedule against diphtheria, pertussis, tetanus, polio, measles, haemophilus influenza B. rubella, and mumps, or has had natural disease;

or an Immunization Exemption Form from a licensed physician stating that such child is not a fit subject for immunization for medical reasons;

or a certificate signed by the parent or guardian stating that immunizations are contrary to his/her beliefs. (Said form is available through the Office of Disease Control at the Department of Health).

No child may enter a day care center unless evidence is submitted that the child has received initial doses of required vaccines.

The center shall be responsible for maintaining a current record of immunization for the child who is not fully immunized, documenting when immunizations take place, and following up with the parent to insure that the child is being immunized according to schedule.

Acceptable evidence of immunization consists of:

A written statement signed by a licensed physician;

or

an official immunization record card, school immunization record, Medical Passport, World Health Organization immunization record, or other official immunization record acceptable to the Office of Disease Control of the R.I. Department of Health;

or

electronically stored and/or transmitted documentary record (facsimile transmission, computerized records, records on magnetic media or similar record) as may be utilized by a center/school;

or

telephone confirmation of the existence of immunization records as defined above provided all of the following conditions are met:

acceptable documentary record is on file with the center/school the child attended previously, or on file with a health care provider, public health agency, other health professional or center/school official responsible for maintenance of immunization records;

such telephone confirmation is obtained by an official of the center in which the child enrolls;

telephone confirmation is sought and obtained within one working day of the child's initial enrollment; and

written documentation is made in the child's health record of the telephone call, the name, address, and telephone number of the person who confirmed the immunization status; and

the written documentary record is received by the center in which the child has enrolled within ten (10) working days of initial enrollment.

The immunization record shall contain the day, month, and year of each dose of vaccine administered.

When a child transfers to another center or school, the child's immunization record shall be released to the authorized center or school official.

4. **HEALTH EXAMINATION**: Evidence of a preadmission health examination shall be presented, including whatever information the reporting physician deems appropriate, and reporting the presence of any condition or handicap affecting the child's general health.

If developmental concerns are found, referrals shall be made as specified in the Regulations of the Board of Resents Governing the Special Education of Handicapped Children for children age 3 years and older or in the Early Intervention Regulations for infants/ toddlers (birth to 3 years). Each center shall require additional health examinations or information, when necessary, in order to maintain current information and assure the full participation of each child in the center program.

5. **PREADMISSION CONFERENCE**: A conference including parents, staff and other appropriate specialists shall precede the admission of a child with a handicapping condition to determine the extent to which the child's needs can adequately be met by the center.

For an infant or toddler referred by early intervention for an integrated group placement, a preadmission conference, involving the appropriate day care staff, the family and the early intervention professionals shall take place and shall include discussion of the health status of the child, any specialized procedures which may be necessary to support the child's developmental progress and the specific training/consultation resources to be provided to the day care program by the specialized personnel and/or family.

6. **LEAD SCREENING**: A lead screening test (FeP) shall be done annually, or as recommended by the Rhode Island Department of Health, for each child between the ages of nine months and six years.
7. **COMMUNICABLE DISEASE**: Attendance of a child or staff member while suffering from a reportable communicable disease shall be under the direction of the Rhode Island Department of Health, Division of Disease Control.
8. **DAILY HEALTH ASSESSMENT**: There shall be a daily health assessment of each child. A child who gives any evidence of suspicious symptoms shall be excluded, waiting in a room apart and attended by an adult until the parent can come for the child. There shall be a statement signed by the parents in each child's record authorizing the center to act in an emergency.
9. **EXCLUSION AND READMISSION**: In all matters of exclusion and readmission of children for reasons of illness, the decision of the center director, in consultation with a licensed physician, shall apply.
10. **CHILD ABUSE**: Any suspected case of child abuse and/or neglect shall be reported to the Department Of Children, Youth And Families (1-800-RICHILD) in accordance with state law.
11. **FIRST AID**: First aid equipment for the less serious problems, e.g. common cuts, splinters, brush burn, shall be available.

All staff members shall have knowledge of general first aid procedures.

At least one staff member who is trained in cardiopulmonary resuscitation (CPR) and who has completed the Red Cross basic first aid course or the equivalent shall be available in the center at all times.

12. **CHORE-SAVING POSTER**: Each center shall have a choke-saving poster outlining the Heimlich Maneuver. The choke-saving poster shall be prominently displayed in the area where the children eat.

Centers serving infants and toddlers shall have at least one staff member trained in the use of the Heimlich Maneuver with this age group available in the center at all times.

13. **INJURY REPORT**: A written report shall be made to the parent on the day that an injury occurs. A copy of this report shall be placed in the child's record. The injury, first aid and parent communication shall be recorded in the center health log.
14. **ADMINISTRATION OF MEDICATION**: Each center shall establish guidelines for the administration of medications. If a center chooses to administer medication, the following procedures shall apply:

Neither prescribed or non-prescribed medications shall be administered to a child without written parental authorization. These written instructions shall include the name of the medication, circumstances under which it may be administered, dosage, and frequency of administration.

Prescription medication shall not be administered to a child without written order of a licensed physician (which may include the label on the medication) which indicates that the medicine is for a specified child and is in the original container.

All medications shall be administered by the center director or his/her designee.

The center shall maintain, on a daily basis, a written record of every medication administered. This record shall include:

- ◆ the child's name;

- ◆ the name and dosage of medication administered;
- ◆ the date and time administered;
- ◆ the name and signature of the person who administered the medication;
- ◆ the name of the licensed physician prescribing the medication.

In the event of an emergency, the daily log shall be transported with the child to the emergency treatment facility.

Medications shall be stored in clearly labeled original containers, out of reach of children.

Parents shall be advised that medications should be given at home whenever possible.

15. **STORAGE OF ITEMS OF POTENTIAL DANGER:** All medical supplies, poisonous or toxic substances, and items of potential danger to children (cleaning supplies and equipment, paints, plastic bags, aerosols, etc.) shall be clearly labeled and stored out of reach of children.
16. **FIRE DRILLS:** The center director or his/her designee shall conduct at least 15 fire drills per year. Both obstructed and unobstructed drills shall be conducted. A record of such drills shall be maintained.
17. **EVACUATION PLAN:** A graphic evacuation plan, identifying alternative escape routes, shall be posted in each classroom. This plan shall be in accordance with the State Fire Code.

The center shall have a written fire evacuation plan which includes specific provisions for the evacuation of infants, toddlers, and children and staff with special needs. This plan shall be reviewed and approved annually by the state or local fire inspector.

18. **SMOKING:** Smoking shall not be permitted in the center facility.
19. **HAND WASHING:** Staff shall wash their hands with liquid soap and warm running water as needed, and:
 - ◆ after each diaper change; - after each toileting;
 - ◆ after wiping a runny nose;
 - ◆ before any food preparation or service.

Staff shall ensure that children wash their hands with liquid soap and warm running water as needed, and:

- ◆ after each toileting;
- ◆ before each meal or snack;
- ◆ after wiping or blowing their nose.

Sinks used for food preparation or clean up shall not be used for hand washing after toileting or diaper changing.

20. **MEALS AND SNACKS:** The center shall provide breakfast or a midmorning snack and a mid-afternoon snack. Meals shall be served at the center at suitable intervals. Children shall be provided with a nutritionally balanced lunch. In addition, breakfast and/or dinner shall be provided for children who are in care for more than nine (9) hours.

If lunches or other meals are provided by the parent, the center shall have written nutrition guidelines which shall be given to parents at the time of enrollment.

The center staff shall monitor meals to insure nutritional value.

There shall be a supply of food available in the center to provide nutritional meals to children whose parents do not provide food and to supplement any foods brought by children which are not nutritional or of sufficient quantity.

21. **MENUS**: Written menus for meals and/or snacks shall be planned on a five week rotating basis and shall be posted weekly where parents can see them.

22. **INFANT/TODDLER FEEDING PLAN**: A feeding plan shall be established for each infant and toddler prior to admission. The plan shall be developed in consultation with the parent and based on the recommendation of the child's health care provider. This plan shall be reviewed at least every six (6) months.

Individual feeding plans shall be followed except for toddlers who are mature enough to eat on a schedule.

23. **INFANT/TODDLER FEEDING**: The infant/toddler feeding program shall foster appropriate learning and pleasurable experiences.

Infants who are unable to sit in feeding chairs shall be held while being fed. No bottles shall be propped at any time and no child shall ever be fed in a crib.

Children who are not ready for self-feeding shall be fed by an individual staff member on a one-to-one basis.

Self-feeding shall be encouraged. Appropriate finger foods shall be provided. A clean, sanitized training cup shall be provided for each child ready to begin drinking from a cup.

Solid foods shall be introduced to infants and toddlers in accordance with the physician's recommendation or as specified by the parent.

Single use cloths or towelettes shall be used for washing children's faces and hands before and after eating and as necessary.

A heating unit for warming bottles and food shall be readily accessible to staff. If a microwave oven is used for heating, specific heating instructions shall be posted on the oven. These instructions shall include the following:

- ◆ All bottles shall be heated uncovered;
- ◆ All food shall be stirred before serving;
- ◆ All bottles shall be shaken before the fluid temperature is checked.

24. **INFANT DAILY LOG**: For each child under eighteen months of age, a daily log shall be maintained to record information on eating, drinking, changing, napping and behavior. This log shall be made available for review by the parent.

25. **FORMULA**: The center shall serve commercial formula that is mixed and served according to manufacturer's instructions or breast milk that is prepared by the parent. All formula shall be clearly labeled with the child's name and date of preparation, if applicable.

Prepared formula or breast milk shall be used immediately or stored in the refrigerator at 40 degrees F or below. Such formula or breast milk shall be discarded at the end of the day. Any formula or breast milk remaining in a nurser after feeding shall be discarded.

If permanent wear bottles and reusable nipples are provided by the center for community use, they shall be washed and sanitized in a dishwasher where the water temperature is at least 180 degrees F. or boiled for at least 5 minutes.

26. **COMMERCIAL BABY FOOD**: If commercial baby food is provided by the parent, it shall be in the unopened original container. Any food remaining in the container after feeding shall be discarded.
27. **DIAPERING**: Children shall be changed and diapered regularly and shall be washed and dried with sanitary, single use cloths or towelettes.

The diaper changing surface shall be cleaned and sanitized with a disposable towel and disinfectant solution (such as 1/2 cup of bleach mixed with 1 gallon of water, preferably in a spray bottle) after each use.

Staff shall wash their hands thoroughly with liquid soap and warm running water after each diaper change. It is recommended that staff use disposable latex gloves for diaper changing, although the use of gloves does not eliminate the need for hand washing.

Staff shall use conveniently located, washable, plastic bag lined, covered receptacles for soiled diapers. These containers shall be emptied as often as necessary to eliminate odors. They shall be cleaned and disinfected daily. The soiled diapers shall be removed from the building daily.

If cloth diapers are used, a toilet shall be designated for rinsing the diapers. This toilet shall not be used by the children and shall be accessible to the diaper changing area. The soiled diapers shall be placed in a covered container away from the children's activity and food service areas and shall be removed from the facility daily.

If a tub or plastic basin is used for bathing children, it shall be cleaned and sanitized after each use.

No child shall be left unattended during diapering or bathing.

28. **TOILET TRAINING**: Toilet training shall be an individual plan, based on the child's readiness and carried out in conjunction with the parent.

There shall be no routine attempt to toilet train children under the age of 24 months.

29. **POTTY CHAIRS**: Potty chairs used for toilet training shall be promptly cleaned and sanitized after each use.

No child shall be left unattended while using a potty chair.

30. **PETS**: All pets maintained on the premises shall be kept in a safe and sanitary manner and according to state and local requirements. Children shall be protected from pets which are potentially dangerous to their health or safety.

FOUR: PHYSICAL FACILITIES

GOAL: *The indoor and outdoor facilities foster the children's growth and development through a variety of opportunities for safe exploration and learning.*

1. **INSPECTIONS**: The physical facilities shall be in compliance with local zoning ordinances and with the applicable sections of the State Building, Fire, Health and Sanitation Codes. Prior to licensing, the water in the facility shall be tested and shown to be below maximum acceptable standards for lead in drinking water.
2. **REVIEW OF PLANS**: Plans for the erection of new buildings or for the renovation or modification of existing buildings shall be submitted to the Department for review prior to the start of construction.

3. **LOCATION OF CHILD CARE ROOMS:** Center rooms for infants and/or toddlers shall be located on the first floor, ground level where there is direct access to the outside without the use of stairs. Center rooms for preschool children, ages 3 to 5 years, shall be permitted on the first or second floor. All facilities used by the children shall be conveniently located on the same floor level as the activity rooms or classrooms. No facilities used by the children shall be located below ground level. Center facilities licensed prior to the effective date of these regulations shall remain eligible for licensing for the designated age level as long as the licensee of record continues to operate the center.
4. **STAIRWAYS:** Stairways used by children shall have a second railing placed at the appropriate height for the children's use.
5. **VENTILATION AND LIGHTING:** There shall be adequate ventilation and artificial lighting throughout the center facility. All activity rooms used for children shall have provision for natural lighting. Exterior doors and windows which are opened for ventilation shall be securely screened. The temperature in rooms used by children shall be maintained within a range of 65 - 74 degrees F at the level of the children's height and the heat shall be kept constant. Rooms where infants are cared for shall be maintained at a minimum of 68 degrees F at crib height. There shall be a minimum of 300 cubic feet of air space for each child.
6. **SQUARE FOOTAGE:** There shall be a minimum of 45 square feet of usable floor space for each child in activity rooms or classrooms used for infant and/or toddler care. There shall be a minimum of 35 square feet of usable floor space for each child in activity rooms or classrooms used for the care of preschool children, ages 3 to 5 years.
7. **INFANT/TODDLER SPACE:** Children under the age of 3 years shall have rooms or areas physically separate from those used by children 3 years and over. Transition rooms or areas shall be permitted for children who are between 33 months and 39 months of age.
8. **AREAS:** Indoor activity shall be clearly defined by spatial arrangement. Space shall be subdivided into areas and be arranged to provide clear pathways for movement from one area to another, to separate noisy activities from quieter ones, and to provide for visual supervision by staff. Furniture shall be placed to ensure safety and ease of supervision.
9. **STORAGE SPACE:** There shall be adequate space for the storage of individual clothing with hooks at children's level for the use of toddlers and preschool children. There shall be adequate storage space for equipment, including cots and blankets, materials, supplies, and seasonal toys.
10. **ISOLATION AREA:** There shall be an isolation area equipped with a cot to accommodate a child who becomes ill. This area shall be located near a lavatory and be visible for staff supervision.
11. **TOILET FACILITIES:** Centers serving children under the age of 2 years shall have one toilet and one sink for each group of 20 children. Centers serving children 2 years and older shall have one toilet and one sink for each group of 10 children. Hand washing sinks shall have both warm and cold water running water. Potty chairs shall not take the place of the required toilets. There shall be a diaper changing area and an adjacent adult hand washing sink with warm and cold running water for each group of 20 children under the age of 3 years. Diaper changing areas and adult hand washing sinks shall be separate and apart from any food preparation area. There shall be separate toilet facilities for staff.
12. **DRINKING WATER:** There shall be drinking water readily available to the children while they are in care. Drinking cups shall be single-use and disposable. The source of drinking water shall be separate from the lavatory.
13. **FOOD PREPARATION AREA:** There shall be an appropriately equipped kitchen for food preparation when meals are prepared at the center. When meals are not prepared at the center, there shall be an appropriately equipped food preparation area to be used exclusively for food handling and distribution, including the preparation of snacks. The kitchen or food preparation area shall be sanitary, well lighted, and orderly, with adequate refrigeration for perishables, appropriate safeguards for the storage and handling of supplies, and means for sterilizing dishes or providing disposables.
14. **UTILITY ROOM:** There shall be a utility room, separate from the kitchen, with hot and cold water and storage space for cleaning equipment and supplies.
15. **CLEANLINESS:** All parts of the center and its premises shall be kept in good repair, clean, neat, and free of hazards. Maintenance of the facility shall be done when children are not present.
16. **OUTDOOR PLAY AREA:** There shall be an appropriately equipped outdoor play area for gross motor activity. The outdoor play area shall have at least 75 square feet of space for each child and be easily

accessible from the center. It shall be safe, properly fenced with fencing of at least four (4) feet in height, reasonably level, well-drained, and free from hazards. Climbing equipment, swings, and large pieces of play equipment shall be securely anchored and maintained in good repair. Cushioning materials such as mats, wood chips, or sand shall be used under climbers, slides, or swings. If organic cushioning (i.e. sand, wood chips, etc.) is used, it shall be of at least 6" in depth. The outdoor play area for infants and/or toddlers shall be separate from that used by older children.

17. **TELEPHONE:** There shall be a telephone, other than a pay phone, conveniently located within the center facility. The telephone shall be kept in working order and shall be readily available for use in case of an emergency. Emergency phone numbers, including 911, local fire and police departments, emergency treatment facility, consulting physician or nurse, and poison center shall be posted in a conspicuous place, adjacent to the phone.
18. **OFFICE SPACE:** There shall be space provided for administrative and clerical functions.
19. **SHARED USE OF PREMISES:** It is preferable that the premises not be shared by other groups when the program is not in operation. However, with sufficient safeguards for cleanliness, protection of equipment, and general sanitation, dual occupancy may be permitted. A formal request for approval for shared use of the premises shall be appended to the application.

FIVE: EQUIPMENT AND MATERIALS

GOAL: *The equipment and materials are sufficient in quantity and are suitable for the developmental level of the children enrolled. There is a variety of equipment and materials to allow for a wide range of abilities and patterns of growth.*

2. **FURNITURE:** There shall be a sufficient quantity of furniture in the center to accommodate the number of children to be enrolled. Furniture shall be safe, durable, child-sized and easily cleaned. It shall conform to all applicable safety regulations. Seating shall be provided for every child.
3. **COTS AND CRIBS:** A cot shall be provided for each preschool child. A cot or a full sized crib shall be provided for each toddler. A crib shall be provided for each infant. There shall be one crib equipped with wheels for every five (5) children under 2 years. This crib shall be used for evacuation in the event of an emergency. Cribs and cots shall be washed and sanitized before reassignment to another child. There shall be at least two (2) feet of space between each cot or crib during nap time.
4. **MATERIALS AND EQUIPMENT:** All equipment and materials used in the center program shall be:
 - ◆ Safe;
 - ◆ Durable;
 - ◆ Appropriate for the age level of the children and stage of development;
 - ◆ Sufficient in quantity for the number of children enrolled;
 - ◆ Accessible to the children, promoting exploration.

Materials which require staff supervision shall be stored out of children's reach.

5. **TODDLER AND PRESCHOOL MATERIALS:** Materials shall be provided for at least the following learning areas:
 - ◆ Art;
 - ◆ Blocks;
 - ◆ Books;
 - ◆ Dramatic play;
 - ◆ Science;
 - ◆ Music;
 - ◆ Manipulatives;
 - ◆ Large motor activity.

Materials shall represent a variety of racial, cultural, linguistic, and age attributes.

6. **AUDIO-VISUAL EQUIPMENT:** Audio-visual equipment, when utilized, shall be appropriate for the age and developmental level of the children enrolled.
7. **INFANT EQUIPMENT:** The infant area shall contain comfortable seating for staff, including at least one rocking chair. A bath tub or plastic basin for bathing children shall be available. The center shall

insure that an adequate supply of clean diapers, bed linens and clothing changes are available. The center shall have a choke prevention gauge which can be used to determine if an object is large enough so as not to be swallowed by a child.

8. **INFANT MATERIALS**: Materials shall be provided which stimulate infant development. A selection of the following types of play things shall be provided:
 - ◆ Blocks;
 - ◆ Busy boards;
 - ◆ Balls;
 - ◆ Cuddly toys;
 - ◆ Pull toys;
 - ◆ Sorting toys;
 - ◆ Kitchen toys;
 - ◆ Musical and auditory stimulation toys;
 - ◆ Nesting and stacking toys;
 - ◆ Rattles and squeeze toys;
 - ◆ Mirrors;
 - ◆ Books;
 - ◆ Mobiles and cradle gyms;
 - ◆ Climbing equipment;
 - ◆ Riding toys.
9. **SAFETY**: All equipment and materials shall be kept clean and sanitary and shall be checked regularly to ensure freedom from hazards.

SIX: PROGRAM

GOAL: *The curriculum provides for all areas of a child's development - physical, emotional, social and cognitive.*

1. **CURRICULUM**: The curriculum shall clearly evidence an understanding of the needs of children and provide for their growth through enriching and stimulating experiences, suited to their age levels and stages of development.
2. **PRESCHOOL DAILY SCHEDULE**: The written daily schedule shall provide a balance of activities on the following dimensions:
 - Indoor/outdoor;
 - Quiet/active;
 - Individual/small group/large group;
 - Large muscle/small muscle;
 - Child initiated/staff initiated.
3. **DEVELOPMENTALLY APPROPRIATE ACTIVITIES**: The program shall provide a variety of developmentally appropriate activities and materials that are selected to emphasize concrete experiential learning and to achieve the following goals:
 - ◆ Enhance each child's unique potential for learning;
 - ◆ Increase each child's use of language and communication skills and support emergent literacy;
 - ◆ Foster physical and motor development;
 - ◆ Promote learning through spontaneous and directed play activities;
 - ◆ Encourage the development of appropriate emotional attitudes and social skills;
 - ◆ Foster a positive self-image;
 - ◆ Foster trust relationships with adults;
 - ◆ Encourage the child's developing sense of autonomy and independence;
 - ◆ Encourage an interest and curiosity about the world and instill basic concepts and root academic learning;
 - ◆ Expand the child's capacity for independent thinking, exploration, and problem solving;
 - ◆ Encourage sound health, safety and nutritional practices.

4. **TODDLER AND PRESCHOOL PROGRAM COMPONENTS:** The program provides areas to accommodate and encourage small group and/or individual activities including:
 - ◆ Block building
 - ◆ Socio-dramatic play
 - ◆ Art
 - ◆ Music
 - ◆ Science
 - ◆ Math
 - ◆ Manipulatives
 - ◆ Book reading
 - ◆ Writing.
5. **PARENT INVOLVEMENT:** The program shall offer opportunities for the parents to share in their children's learning experiences.
6. **PROGRAM FLEXIBILITY:** All programs shall follow a regular daily schedule. However, planned or routine activities shall be changed to meet the interests and needs of the children or to cope with weather changes or other situations which affect routines.
7. **QUIET OR RESTING/SLEEPING:** Programs shall provide regular periods of quiet activity or resting/sleeping appropriate to the needs of the children. Infants and toddlers shall be in cribs only for rest or sleep. There shall be no restraining devices of any type used in a crib or elsewhere unless prescribed by a physician or other appropriately licensed/certified professional.
8. **PROGRAM PLANNING:** There shall be a plan book on site which details program planning for at least a month in advance. The program planning shall be the responsibility of the head teacher. At least monthly, direct staff shall meet with the head teacher to consult on program planning and to plan for individual children. At least weekly, classroom staff shall discuss the program and plan for individual children's needs and growth.
9. **INFANT/TODDLER PROGRAM:** The infant/toddler program shall evidence an understanding of the needs and development of very young children by providing experiences and environments which go beyond basic care and supervision. The program shall provide experiences which will foster the development of trusting relationships between adult and child. Infant programs shall schedule the same staff with the intent of developing and maintaining warm, reciprocal relationships between adults and children. The program shall provide an environment that promotes respect for individual feeding, sleeping and diapering patterns. The physical needs of the children shall receive prompt attention. Daily routines of feeding and diapering shall provide opportunities for learning (e.g. mirrors, mobiles, toys, language input, etc.). The program shall provide activities that promote each of the following on a daily basis:
 - Language acquisition by statements of happenings, songs, stories, poems, fingerplays;
 - Cognitive/sensory learning by stimulation of the senses of sight, hearing, taste, smell, and touch;
 - Gross motor skills;
 - Fine motor skills.
10. **INFANT/TODDLER ENVIRONMENT:** The indoor and outdoor environments shall be organized so as to provide the children with ample opportunity for freedom of movement and exploration in safe, clean, open and uncluttered areas. Non-mobile infants shall be positioned to permit a wide range of visual stimulus. Positioning shall be varied throughout the day. Ambulatory infants and toddlers shall be permitted to freely explore a planned environment which provides opportunities to utilize their emerging skill to crawl, climb, pull to a stand, and walk.

SEVEN: PARENT-CENTER RELATIONS

GOAL: *Parents are supported in their role of primary care-giver and are informed and encouraged, through a variety of means, to interact with the center and its programs.*

1. **OPEN DOOR POLICY:** The center shall be open to parents for observation and visits whenever the program is in operation.

2. **PREADMISSION PARENT CONFERENCE:** Preadmission conferences shall be scheduled to secure health and family history, to obtain background information on the child and his/her home, and to develop the child's program.
For children with special needs enrolled through an integrated group placement, the preadmission conference shall involve the family and the early intervention consultant, and shall include discussion of any relevant developmental, medical, family, equipment, staffing and/or training needs which are essential for the child's placement.
For infants and toddlers with special needs enrolled through an integrated group placement, an Individual Family Service Plan (IFSP) meeting shall take place within 30 calendar days of the child's enrollment. Subsequent IFSP progress review meetings shall take place every at least every six months.
3. **PREADMISSION VISITATION:** The center shall provide opportunities for the child and parent to visit the program one or more times before the child is enrolled.
4. **PARENT-STAFF CONFERENCES:** There shall be a plan for parent-staff conferences as a part of the center program.
Centers operating infant/toddler programs shall develop a means of daily communication between staff and parents. The information shared shall include the following: references to the child's mood, health, feeding, sleeping, toileting, playing or other activities, particularly noting changes, disruptions or note-worthy occurrences at home or at the center.
5. **ON-GOING COMMUNICATION WITH PARENTS:** Parents shall be informed about the center's program through the parent handbook, regular newsletters, bulletin boards, frequent notes, telephone calls, and other similar measures.
6. **RESOURCE AND REFERRAL:** The center shall maintain a directory of professional community services and shall make relevant information available to families as indicated.

EIGHT: ADMINISTRATION

GOAL: *The center is administered in a responsible manner and staff are supported in their efforts to provide a high quality program.*

1. **FINANCIAL RESOURCES:** Financial resources shall be such as to ensure the center's security in its own future and stability in the community.
2. **INSURANCE:** The center shall maintain appropriate insurance for personnel, children enrolled, transportation services, and physical facilities.
3. **TRANSPORTATION:** Transportation of children to and/or from any center shall adhere to the state law and the rules and regulations of the Rhode Island Registry of Motor Vehicles. Centers providing transportation shall have written policies regarding the transport of children to and from the center.
4. **DISCIPLINARY POLICY:** Each center shall develop disciplinary policies which shall be given to parents and staff. These policies shall be based on an understanding of the individual needs and development of the child.
5. **RELEASE OF CHILDREN:** Children shall only be released to the parent or to an individual who is authorized by the parent to pick up the child and whose identity can be verified by a proper identification card bearing his/her photograph.
The center shall develop written policies and procedures regarding the release of children to persons other than the parent. These policies shall be given to parents and staff and shall contain the following:
 - Procedure for documenting any custody or restraining orders relating to the child;
 - Procedure for maintaining current written parental authorization for the release of the child to named individuals, updated at least annually;
 - Procedure for verification of identity of authorized individuals, including picture identification;
 - Procedure for handling emergency call-in authorization by the parent, including verification of the identity of the parent over the Phone.
6. **PROGRAM POLICIES AND PROCEDURES:** The center shall have written policies and procedures which shall be given to parents and staff. Enrollment policy and fee for services shall be explained to all parents and staff. Policies and procedures shall include information on:
 - Child, family, and staff orientation programs; -Medical emergency and sick child procedures;
 - Classroom management;

- Calendar, program closing, hours of operation; -Schedule of daily activities;
 - Curriculum goals and philosophy; -Program evaluation;
 - Children's records requirements; -Evaluation of children;
 - Supervision of children;
 - Procedure for reporting cases of child abuse and neglect.
7. **PERSONNEL POLICIES AND PROCEDURES**: A written statement of personnel policies and practices shall be developed and shall be made available to all employees. This statement shall be used in the orientation of new staff members and shall contain the following:
 - Job descriptions and qualifications for employment; Defined time and procedure for staff evaluation;
 - Employment benefits;
 - Established channels for complaints and suggestions;
 - Established work day, work week, and scheduling of staff;
 - Established salary and wage scales;
 - Procedures for disciplinary action and termination;
 - Staff training.
 8. **RECORD-KEEPING**: An appropriate system of record-keeping shall be established, and suitable files and space shall be provided within the center facility for the various records to be maintained. Provision shall be made for the protection of records and reports as well as for insuring their confidentiality where applicable.
 9. **STAFF FILES**: An individual file shall be maintained for each staff member. This file shall contain the following:
 - Personal data sheet or application containing the employee's name, age, home address, phone, education and work experience;
 - Job description;
 - Fingerprinting documentation and results of criminal record check and CANTS check;
 - Notarized Employment History and Criminal Record Affidavits;
 - Documentation of employment history verification;
 - Health documents;
 - Attendance record;
 - Staff performance evaluations;
 - Documentation of qualifications;
 - Staff training plan and documentation of participation in staff training;
 - Statement at time of leaving employment.
 10. **CHILDREN'S FILES**: A file shall be maintained on each child. This file shall be kept current and shall include the following:
 - An application form completed by the parent/guardian containing the child's name, birth date, parent/guardian's name, current address and phone number, and work or school address and phone number;
 - Date of enrollment;
 - Health record which includes immunization data and physician's record of pre-admission examination;
 - Pertinent social information on the child;
 - Written authorization from the parent/guardian for emergency medical treatment;
 - Written reports of injuries, accidents, or illness occurring while the child is in the center and the treatment given;
 - Information pertaining to the child's progress, growth and development, specifying special needs and interventions as well as program plans and goals;
 - Written authorization from the parent/guardian for the child to participate in and be transported for field trips and other special activities that are not part of the center's daily program;
 - Names of individuals to whom the child may be released.
 - Parents/guardians shall have access to their child's records.

11. **INFANT/TODDLER FILES**: In addition to the above information, centers serving infants and toddlers shall also obtain information, in writing, which will aid the staff in individualizing the program for each child. This shall include:
 - Developmental and health history;
 - Habits of feeding, foods used, and a schedule for introducing new foods;
 - Toilet and diapering habits and procedures;
 - Sleep and napping habits;
 - Child's way of communication and being comforted;
 - Play interests and habits;
 - Personality and temperament specifics.
12. **CHILDREN WITH SPECIAL NEEDS**: Centers serving children with special needs shall establish a formal written agreement with the early intervention program or the preschool special education program which provides services to the child and family. This agreement shall delineate the responsibilities of the center and the early intervention or preschool special education program in relation to the child and family.
13. **CONFIDENTIALITY**: Children's records shall be kept confidential. Information contained in a child's record shall only be released with written authorization from the child's parent/guardian. The center shall maintain such authorization on file.
14. **PROGRAM EVALUATION**: At least annually, parents, staff, and other professionals shall be involved in evaluating the program's effectiveness in meeting the needs of the children.
15. **LICENSE**: The Day Care Center License shall be displayed in a prominent place.
16. **CLOSURE**: When a center discontinues its operation, the owner or director shall provide written notification to the Department at least 30 days prior to the closure.

III. APPENDIX

CRIMINAL RECORDS CHECK -DISQUALIFYING INFORMATION

Information contained in the national criminal identification computer pertaining to conviction or arrest pending disposition for the crimes identified below will result in a letter to the individual disqualifying them from employment in a child day care center.

- ◆ Offenses Against the Person
- ◆ Murder
- ◆ Voluntary Manslaughter
- ◆ Involuntary Manslaughter
- ◆ Kidnapping
- ◆ Kidnapping with intent to extort
- ◆ First degree sexual assault
- ◆ Second degree sexual assault
- ◆ Third degree sexual assault
- ◆ Assault by spouse
- ◆ Assault with intent to commit specified felonies
- ◆ Felony assault
- ◆ Domestic assault
- ◆ First degree child abuse
- ◆ Second degree child abuse
- ◆ Offenses Against the Family
- ◆ Incest
- ◆ Child snatching
- ◆ Exploitation for commercial or immoral purposes
- ◆ Public Indecency
- ◆ Transportation for indecent purposes:

- ◆ Harboring
- ◆ Prostitution
- ◆ Pandering
- ◆ Deriving support or maintenance from prostitution
- ◆ Circulation of obscene publications and shows
- ◆ Sale or exhibition to minors of indecent publications, pictures or articles
- ◆ Child nudity in publication
- ◆ Drug Offenses

Any offense constituting a felony which is enumerated in Rhode Island General Law 21-28-1.01 et seq., the Uniform Controlled Substances Act.

CANTS CHECK ADDENDUM -DISQUALIFYING INFORMATION

When the applicant/employee has been identified as the indicated perpetrator in a Child Abuse and Neglect Tracking System (CANTS) investigation and the final finding(s) of the investigation is listed below, the applicant/employee will be disqualified from assuming child care duties in a child care facility:

INDICATED FINDINGS

- ◆ DEATH (#1)
- ◆ BRAIN DAMAGE/SKULL FRACTURE (#2)
- ◆ SUBDURAL HEMATOMA (#3)
- ◆ INTERNAL INJURIES (#4)
- ◆ MALNUTRITION/STARVATION (#8)
- ◆ VENEREAL DISEASE (#30)
- ◆ SEXUAL INTERCOURSE (#31)
- ◆ SEXUAL EXPLOITATION (#32)
- ◆ SEXUAL MOLESTATION (#33)
- ◆ FAILURE TO THRIVE (#48)

INDICATED ABUSE FINDINGS ONLY

- ◆ BURNS/SCALDING (#5)
- ◆ POISONING (#6)
- ◆ WOUNDS (#7)
- ◆ BONE FRACTURES (#9)
- ◆ EXCESSIVE/INAPPROPRIATE DISCIPLINE (#10)
- ◆ CUTS/BRUISES/WELTS (#11)
- ◆ HUMAN BITES (#12)
- ◆ SPRAINS/DISLOCATIONS (#13)

In those instances in which CANTS involvement is noted but not specified above, the applicant/employee is not disqualified from assuming child care duties.